

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Rec'd PCT/PTO 06 DEC 2004  
PCT/EP2003/005689



Rec'd PCT/PTO 06 DEC 2004

517.129

Applicant's or agent's file reference 01142/WO	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/005689	International filing date (day/month/year) 30 May 2003 (30.05.2003)	Priority date (day/month/year) 05 June 2002 (05.06.2002)
International Patent Classification (IPC) or national classification and IPC D06F 73/02, D06C 15/00, B60N 2/58		
Applicant JOHNSON CONTROLS GMBH		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.  
☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of \_\_\_\_\_ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 05 December 2003 (05.12.2003)	Date of completion of this report 30 July 2004 (30.07.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/005689

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☒ the international application as originally filed
- ☒ the description:  
 pages \_\_\_\_\_ 1-8 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
 pages \_\_\_\_\_ 1-33 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the drawings:  
 pages \_\_\_\_\_ 1/1 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

I. Statement

Novelty (N)	Claims	2, 3, 6-9, 11, 13-23, 25-28, 30-33	YES
	Claims	1, 4, 5, 10, 12, 24, 29	NO
Inventive step (IS)	Claims		YES
	Claims	1-33	NO
Industrial applicability (IA)	Claims	1-33	YES
	Claims		NO

2. Citations and explanations

Reference is made to the following documents:

D1: DE-A-101 28 662 (KANNEGIESSER H GMBH CO)  
19 December 2002 (2002-12-19)

D2: DE-A-36 27 940 (VEIT GMBH & CO) 10 March 1988  
(1988-03-10)

D3: EP-A-0 573 726 (JENSEN AG BURGDORF)  
15 December 1993 (1993-12-15).

1. Claim 1

Document D1 discloses all the features of the current claim 1, namely (the references in parentheses are to D1):

"Method for the treatment of covering materials for motor vehicle interior fitting pieces, more particularly for pieces of trim or seats of a motor vehicle (column 2, lines 30 to 31: Note: Method which is suitable for the treatment of covering materials; see also PCT Examination Guidelines, paragraph III-4.8), in which the moisture content of the covering material is temporarily increased, the fibres of the covering material being softened up in a treatment chamber by the introduction of moisture

(column 3, lines 38 to 44) and smoothed under the action of a drawing force which stretches the covering material (column 2, lines 54 to 55)."

Consequently, the subject matter of claim 1 does not comply with the requirements of PCT Article 33(2).

Document D3 is likewise prejudicial to novelty.

2. Dependent claims

2.1 Dependent claims 2 to 28 and 30-33 do not appear to contain any additional features which, in combination with the features of any claim to which the claims refer, could produce subject matter involving an inventive step. The reasons are as follows:

2.2 The additional features of claims 4, 5, 10, 12 and 24 are known from D3.

2.3 The additional features of claims 6 and 13 are known from D2.

2.4 The additional features of claims 2, 3, 7-9, 11, 14-23, 25-28 and 30-33 are merely conventional (design) measures.

3. Claim 29

Product claim 29 does not comply with the requirements of PCT Article 6, because the subject matter for which protection is sought is not clearly defined. The internal fitting part should have been defined in terms of its own technical features, because the way in which the covering material was treated cannot be identified on the finished part. See also see also PCT Examination Guidelines, paragraph III-4.7b.

4. Contrary to PCT Rule 5.1(a)(ii), the description does not cite documents D2 and D3 or indicate the relevant prior art disclosed therein.